IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

RP.No. 453 of 2007(B)

AGAINST THE JUDGEMENT/ORDER IN WPC.8839/2007 Dated 19/03/2007

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PETITIONER/WRIT PETITIONER

R.R.CICILY MATHEW, AGED 70,
W/O.LATE N.V.MATHEW, RESIDING AT HOUSE NO.45/124,
CORREYA ROAD, PACHALAM, KOCHI-18.

BY ADV. SMT.R.R.CICILY MATHEW(PARTY IN PERSON)

RESPONDENTS:

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1. THE CORPORATION OF KOCHI,
REPRESENTED BY ITS SECRETARY, ERNAKULAM.

2. ALDOSE MATHEW, S/O.LATE N.V.MATHEW,
RESIDING AT NELKUNNASSERY HOUSE, HOUSE NO.152/66,
PACHALAM, KOCHI-12.

BY SRI.C.M.SURESH BABU (SC FOR COCHIN. CORPN)

BY ADV. SMT. MOLLY JACOB

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 01/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

R.P. NO.453/2007 IN W.P.(C) NO.8839/2007

Dated this the 1st day of June, 2007

O R D E R

Heard the petitioner in person, Smt.Moly Jacob, the learned counsel for the party respondent, Sri.C.M.Suresh Babu, the learned Counsel for the Corporation.

2. By the interim order sought to be reviewed, I directed the Corporation to handover possession of the building and also to return the household articles kept in the building to the petitioner upon the petitioner producing the original of Ext.P5 lease Deed before the Corporation. It is conceded that the petitioner has got back possession of the building. The petitioner has complained that household articles were not returned. The said complaint will be considered in C.O.C. No. 705/2007. The petitioner is aggrieved by the second part of my interim order by which she is restrained from inducting

anybody into the building including lessee mentioned in Ext.P5 without getting further orders in that regard from the court. It is obvious that such order was issued by me in view of Ext.P4 judgment of this court by which several conditions have been imposed on the petitioner before she lets out the building and before her lessee commences business in the building.

Under these circumstances, application for review will stand allowed to the extent of clarifying that in spite of the interim order the petitioner will be entitled to induct her lessee into the building provided she complies with all the conditions imposed by this court in the last paragraph of Ext. P4 judgment.

The Review Petition is thus allowed by way of issuing clarification.

PIUS C. KURIAKOSE,
JUDGE.

dpk